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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HOLZEN, STEPHEN A

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,284

Applicant(s)

KOYAMA, ICHIRO

Examiner

Stephen A. Holzen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Response to Arguments

1. Applicant's arguments filed 6/13/2005 have been fully considered but they are not persuasive. Applicant has argued that Schutz does not disclose the phrase "by which the retailer can...in the order data". This limitation however does not serve to overcome the reference however. The limitation is not positively received in the claim. The phrase "by which a retail can" does not limit the claim to the action of "setting an account" and instead only requires that the retailers have a capability to settle an account. Schutz et al disclose this capability in the Financial Institution System (#33)
2. Applicant has argued that Hsich does not teach that it s known to allow a customer to choose a retailer based on a desired product (i.e. wrapping paper). The examiner disagrees. Hsich Teaches that price and product information displayed to a customer (see abstract lines 13-18) and the customer chooses the product of his liking (¶0007 lines 11-16).
3. Applicant has added claims 15-17 which are substantially similar to claims 6-8, however they are dependant from claim 2 instead. Therefore it should be understood that they are rejected in a substantially similar manner.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schutz et al (2002/0030854) in view of Parry et al (2002/0091577) and further in view of Hsieh (2003/0167209)

Schutz et al disclose a method for selling goods using a computer comprising storing retailer information (51) that provides packaging (64), as well as goods data (the type of flowers ordered), which includes good description information describing goods for sale into the storage (see ¶150 and 156).

outputting offering data to a customer (¶150 and 156), offering data includes good description information (type of flower desired) and packing material (see ¶0024 line14, #64 and ¶0156),

receiving designation data (12), which includes good designation information designating goods the customer desire to buy, packing material (#64 and ¶0021 lines 9-10) and delivery destination information (#72, #74), specifying a delivery designation of the goods

generating order data (¶ 0021 lines 4-10) which includes customer information that indicates the customer (#72, and #74), and the good designation information (type of flower) in the designation data received

outputting the generated order data to a retailer (#51 and #18)

generating delivery instruction data (see Abstract lines 25-28), including the packaging material list (see ¶ 0021 line 9-10), the good

designation information (type of flower) and the delivery destination information (#72, #74),

outputting the generated delivery instruction data to a freight agency (§ 0080.)

Although Schutz et al hints at the fact that buyers have a choice of packaging material Schutz does not clearly state this. However, Parry et al does disclose that it is well known for a retailer to provide buyers the opportunity to select the type of "wrapping paper" desired (see Parry et al ¶0029). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the step of allowing buyers to choose the type of wrapping for a good purchased on-line as taught by Perry et al for the purpose of increasing customer satisfaction.

Schutz et al in view of Perry et al do not disclose using an on-line system that allows a user to choose a retailer based on the desired product (in this case: the choice is based on desired wrapping paper). Hsich however discloses that it is well known in the art to allow users to compare similar retailers and choose a specific retailer to fill an order based on the type of product desired. (see Abstract lines 7 and 14-17). It would have been obvious to one of ordinary skill in the art, at the time the invention was made to allow users to choose retailers

based on the type of product (i.e. wrapping paper) desired for the purpose of increasing customer satisfaction.

Re – Claim 15: Schutz et al discloses the packaging material data further includes payment mode information indicating one more payment modes provided by the retailer indicated by the retailer information in the packaging material data (§0099 & §0100), said offering data further includes the payment mode information in the packaging material data (all the data is transmitted simultaneously), said designation data further includes payment mode designation information designation a payment mode selected by the customer based on the payment mode information in the offering data (all information is transmitted simultaneously with the other data), said order data further includes the payment mode designation information in the designation data (all information is transmitted simultaneously with the other data).

6. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schutz et al (2002/0030854) in view of Parry et al (2002/0091577) and further in view of Hsieh (2003/0167209).

Schutz et al discloses a method for selling goods using a server having storage and connectable to a first client computer (#51) a second client computer

operated by a customer (§0098) and a third client computer (41) operated by a freight agency comprising:

storing packaging material data which includes packaging material information indicating a packaging material (#64), retailer information (#51), as well as goods data which includes good description information describing goods for sale (type of flower desired) on the server computer (#26) having a storage and connectable to a first client computer each operated by a retailer, the second client computer operated by the customer, and the third client computer operated by the freight agency (see Figure 1)

sending offering data including goods description information in said goods data and the packaging material information in said packaging material data to the second client computer operated by the customer (see §0150 and §0156)

receiving designation data including good designation information designating goods the customer desires to buy (type of flowers) packaging material designation information designation a packing material selected by the customer operating the second client computer (see #64, and §0021 lines 4-9 "package label") and delivery destination information specifying a delivery destination of the goods (#72 and #74, and §0068)

generating order data including the specified retailer information (#51), customer information (#72, and #74) and the goods designation information (type of flowers) in the designation data received,

transmitting the generated order data to the first client computer of the retailer indicated by the retailer information in the order data (#18),

generating delivery instruction data including the packaging material designation information (§0021 lines 4-9) the goods designation information and the delivery destination information in the designation data received (see abstract lines 25-28)

transmitting the generated delivery instruction data to the third client computer operated by the freight agency (§0080).

Although Schutz et al hints at the fact that buyers have a choice of packaging material it is not clearly stated. However Parry et al does disclose that it is well known for a retailer to provide buyers the opportunity to select the type of “wrapping paper” desired (see Parry et al §0029). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the step of allowing the buyers to choose the type of wrapping for a good purchased on-line as taught by Perry et al for the purpose of increasing customer satisfaction.

Schutz et al in view of Perry et al do not disclose using an on-line system that allows a user to choose a retailer based on the desired product (in this case: the choice is based on desired wrapping paper). Hsich however discloses that it is well known in the art to allow users to compare similar retailers and choose a specific retailer to fill an order based on the type of product desired. (see Abstract lines 7 and 14-17). It would have been obvious to one of ordinary skill in the art, at the time the invention was made to allow users to choose retailers based on the type of product (i.e. wrapping paper) desired for the purpose of increasing customer satisfaction.

Re – Claim 6: Schutz et al discloses the packaging material data further includes payment mode information indicating one more payment modes provided by the retailer indicated by the retailer information in the packaging material data (¶0099 & ¶0100), said offering data further includes the payment mode information in the packaging material data (all the data is transmitted simultaneously), said designation data further includes payment mode designation information designation a payment mode selected by the customer based on the payment mode information in the offering data (all information is transmitted simultaneously with the other data), said order data further includes the payment mode designation information in the designation data (all information is transmitted simultaneously with the other data).

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schutz et al as applied to claim 3 above, and further in view of Aggarwal et al (6,094,645). Schutz et al, as applied above, do not disclose the steps of extracting order data that indicates a retailer different from that indicated by the retailer information in the goods data corresponding to goods designation information nor gathering statistics including the retailer information and good designation information in the extracted order data. Aggarwal et al however discloses that it is well known in the art to extract data from an online environment that indicates buyer preferences (Col. 1, lines 25-30) and to compile the statistics from sales transaction (see Col. 1, lines 63) for the purpose of "decision making" and understanding buyer behavior (see Col. 1, lines 25-30). Aggarwal et al broadly terms this searching and compiling of buyer statistics as "data mining". It would have been obvious to use the methods of Aggarwal et al for the purpose of extracting and gathering statistics concerning both buyer preferences and trends for the purpose of increasing business opportunities.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schutz as applied to claim 3 above, and further in view of ordinary skill in the art. Schutz et al in combination with Parry et al disclose giving the buyer the option to choose a style of wrapping paper (Parry et al ¶0029 line 6) and charging the buyer for the goods the buyer has order (Schutz et al Figure 20) and outputting that charge in a manner in which the buyer may view the charges before completing the purchase (see Schutz et al

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figure 20.) Schutz et al however does not disclose charging the buyer for the wrapping paper choice. It would have been obvious to one having ordinary skill in the art to calculate the total price of the goods by adding the price of the wrapping paper to the price of the goods ordered since a vendor would not continually engage in agreements with buyers where such agreements would result in the seller losing revenue.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schutz et al as applied to claim 3 above, and further in view of Aggarwal et al (6,094,645). Schutz et al, as applied above, do not disclose the steps of extracting order data that indicates a retailer different from that indicated by the retailer information in the goods data corresponding to goods designation information nor gathering statistics including the retailer information and good designation information in the extracted order data. Aggarwal et al however discloses that it is well known in the art to extract data from an online environment that indicates buyer preferences (Col. 1, lines 25-30) and to compile the statistics from sales transaction (see Col. 1, lines 63) for the purpose of "decision making" and understanding buyer behavior (see Col. 1, lines 25-30). Aggarwal et al broadly terms this searching and compiling of buyer statistics as "data mining". It would have been obvious to use the methods of Aggarwal et al for the purpose of extracting and gathering statistics concerning both buyer preferences and trends for the purpose of increasing business opportunities.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schutz as applied to claim 3 above, and further in view of ordinary skill in the art. Schutz et al in combination with Parry et al disclose giving the buyer the option to choose a style of wrapping paper (Parry et al ¶0029 line 6) and charging the buyer for the goods the buyer has order (Schutz et al Figure 20) and outputting that charge in a manner in which the buyer may view the charges before completing the purchase (see Schutz et al figure 20.) Schutz et al however does not disclose charging the buyer for the wrapping paper choice. It would have been obvious to one having ordinary skill in the art to calculate the total price of the goods by adding the price of the wrapping paper to the price of the goods ordered since a vendor would not continually engage in agreements with buyers where such agreements would result in the seller losing revenue.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 571-272-6903. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sah


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